

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MICHAEL E. LOCKHOFF,
Plaintiff,**

v.

**ISAIAH SLONAKER, IV and STEPHEN
M. KAMNIK,
Defendants.**

CIVIL ACTION

NO. 16-2893

O R D E R

AND NOW, this 5th day of June, 2017, upon consideration of the Defendants' Motion for Summary Judgment (ECF 15), the Plaintiff's Response (ECF 16), and the Reply thereto (ECF 17), **IT IS ORDERED** that the motion is **GRANTED IN PART AND DENIED IN PART** as follows:

- (1) Defendants' Motion is **GRANTED** with respect to Count II (False Arrest and False Imprisonment), Count IV (Civil Conspiracy), and Count V (Intentional Infliction of Emotional Distress);
- (2) To extent the Complaint alleges an unreasonable search in violation of the Fourth Amendment, the Defendants' Motion is **GRANTED**;
- (3) Defendants' Motion is **GRANTED** with respect to Count I (Unreasonable and Excessive Force), and Count VI (Assault and Battery), to the extent that Counts I and VI arise from the on-camera use of force;
- (4) Defendants' Motion is **GRANTED** as to Defendant Slonaker with respect to Count VII (Section 1983 Malicious Prosecution), and Count VIII (State Law – Malicious Prosecution)
- (5) Defendants' Motion is **GRANTED** as to Defendant Kamnick with respect to Count VII (Section 1983 Malicious Prosecution), and Count VIII (State Law – Malicious Prosecution), to the extent that Counts VII and VIII arise from the marijuana, paraphernalia, disorderly conduct by obscene language, and motor vehicle offense charges;
- (6) **JUDGMENT IS ENTERED IN FAVOR** of Defendants Slonaker and Kamnick, and **AGAINST** Plaintiff on Counts II, IV, V, on his unreasonable search claim, and on Counts I and VI to the extent that they arise from the on-camera use of force;
- (7) **JUDGMENT IS ENTERED IN FAVOR** of Defendant Slonaker, and **AGAINST** Plaintiff and on Counts VII and VIII;

- (8) **JUDGMENT IS ENTERED IN FAVOR** of Defendant Kamnick, and **AGAINST** Plaintiff and on Counts VII and VIII to the extent that they arise from the marijuana, paraphernalia, disorderly conduct by obscene language, and motor vehicle offense charges;
- (9) Defendants' Motion is **DENIED** with respect to Count I (Unreasonable and Excessive Force), and Count VI (Assault and Battery), to the extent that Counts I and VI arise from the off-camera use of force;
- (10) Defendants' Motion is **DENIED** as to Defendant Kamnick with respect to Count VII (Section 1983 Malicious Prosecution), and Count VIII (State Law – Malicious Prosecution), to the extent that Counts VII and VIII arise from the charges of resisting arrest in violation of 18 Pa. Cons. Stat § 5104, and disorderly conduct by fighting in violation of 18 Pa. Cons. Stat. § 5503(a)(1).

BY THE COURT:

/s/ **Wendy Beetlestone, J.**

WENDY BEETLESTONE, J.